671 The intent of these guiding principles and definitions were to aid thejudge to arrive at a just verdict, 696 preferably a "Solomonic" one. Guides were considered desirable, perhaps due to the absence of the principle of any law of precedence. The emphasis was on the "Code", and this was reinforced by the culture pattern of "literalness", in behavior.

In effect, however, these guides have enabled both draconic or bribed (and therefore lenient) judges to interpret the law with considerable subjectivity. Clever talkers-in-court never fail to use their ability to sway the public audience, which usually has a tremendous effect on the judge.

671 The effect of the "Fetha Nägäst" was to link the 777 church and state. There were usually 12 provincial chief justices, "wombär", in allusion, apparently, to the 12 apostles. The "Fetha Nagäst" ruled all marriage, even 586 684 the non-ecclesiastical "semanya" marriage outside the church premises. Divorce proceedings in the old-Amhara areas still can be carried through only with agreement of the "mänfäs agway", the soul-confessor, one of the priests of the parish, although no divorce is possible in a church marriage.

This "mänfäs agway" receives a small salary from the state; he can summon local state police if the accused mate has refused to appear, to bring him by force. If the divorce is granted, the "mänfäs agway" usually sentences both mates to a fine of Eth$5.- payable to him, on the grounds that both are technically lawbreakers for

586 684 having "torn the marriage agreement". Furthermore, the woman can bring religious pressure to bear on the "manfas agway" if he hesitates in granting the divorce, by publicly ripping off her blue neckcord, the "mätäb", symbol of Christianity, thus threatening to run off to the Muslims because her mistreatment has become completely unendurable. Since the "Fetha Nägäst" also covers Guardianship, the "mänfäs agway" decides to whom children of a broken marriage are to be assigned: usually children under 7 years of age go to the mother, but an older child may be asked to indicate a choice. Boys over 10 usually are given to the father.

671 The new law codes of Emperor Hailé Selassie I are patterned after European, modern codes and are in the process of more comprehensive codification at present. What has been done so far will be described later.

675 B. Contracts, Oath, and the Legal Person, in Abyssinian Traditional Law.

A contract, called "kedan" (the same word is used for "Testament" in Biblical reference), does not have to be written, and usually is not. But it must be witnessed, preferably by more than one reliable person, preferably male. The contracting parties formally announce their agreement, then touch their palms lightly, (ej mätta). If the contract is a last will and testament, the Confessor ("mänfäs agway") holds the thumb of the testator while the will is formally spoken aloud.

possessed mother thus becomes THE representative of her family toward the zar. If someone in the family sickens, her zar is consulted. Her zar has become the guardian of hearth and home. This is all the more significant since the Amhara woman has usually arrived as a stranger in her husband's patrilocal hamlet, when a very young bride.

It is little wonder that many husbands object to their wives' joining a zar society. For the wife thus becomes psychologically more and more independent of the husband's control. For one thing, the wife can absent herself from the hut and even hamlet at almost any time with the excuse that her zar requires her attendance at an all-night worship meeting, lest she suffer another "attack".. Under such circumstances it is impossible to keep a wife under surveillance. More frequently zar-possessed women go to the house of the "balä zar", who may be male, in daytime, to consult him on various matters, and on their return home they extort garments and trinkets from the husband, ffor the zar".

Many "jealous" zar spirits, interpreted by the zar doctor, actively intrigue against the husband, against the wife's catering to his wants and comforts, obedience and respect, and teach the wife how to extort the most from him. Moreover, husbands often suspect their wives' behavior under the influence of the possession by the zars. From possession by a spirit-lover to possession by a very human lover, the husbands reason (not without justification in some cases) it is only a small step. If caught, the woman might claim that she had been "under possession", and had mistaken the human lover for her spiritual "wädaj", especially in the darkness of the night. Women have been known to give this excuse brazenly when hauled before the (mänfas gubaé" (priest in charge of domestic affairs).

4: Alvarez M-5 (1520-1526) 1881
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346 other women do in the church of the apostles, who take it
562 in its place. I always saw the women of the Barnagais go
[644] to the women's church to take the communion with the other women, and I did not see them use the privilege which they say they have, of taking the communion, with one damsel, in the church of the men. The circuits of the churchyards join to one another; they are of very high
796 walls. They make the sacramental bread for both churches in one building, and they say the masses in both churches at the same time, and the priests who serve in one church serve also in the other; that is two thirds of the priests in the men's church, and one third in the women's church, and so they are distributed. These churches have not got tithes, but they have got much land belonging to the priests, and they put it out to profit and divide the revenues of the lands among themselves: the Barnagais gives what is necessary to the churches, such as ornaments, wax, butter, incense in sufficient quantity, and he supplies them with
[792] everything. There may be in these churches twenty priests and always twenty-two friars. I never saw a church of priests which had not got friars, nor a monastery of friars which had got priests; because the friars are so numerous that they cover the world, both in the monasteries as also in the churches, roads, and markets: they are in every place.

CAP. XXVI.—*How the priests are, and how they are ordained, and of the reverence which they pay to the churches and*
793 *their churchyards.*

● 684 The priests are married to one wife, and they observe the
587 law of matrimony better than the laity: they live in their houses with their wives and children. If their wife should die they do not marry again; neither can the wife, but she

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may become a nun or remain a widow as she pleases. If a priest sleeps with another woman whilst his wife is alive he does not enter the church any more, nor does he enjoy its goods, and remains as a layman. And this I know from having seen a priest accused before the patriarch of having slept with a woman, and I saw that the priest confessed the offence, and the patriarch commanded him not to carry a cross in his hand, nor to enter a church, nor to enjoy the liberties of the church, and to become a layman. If any priests after becoming widowers marry, they remain laymen, As it happened to Abuquer, who married Romana Orque, sister of Prester John, who I have already said was a priest, chief chaplain of Prester John, and he was disordained[1] and made a layman. He no longer enters the church, and receives the communion at the door of the church as a layman, and among the women. The sons of the priests are for the most part priests, because in this country there are no schools, nor studies, nor masters to teach, and the clergy teach that little that they know to their sons: and so they make them priests without more legitimisation, neither does it seem to me that they require it, since they are legitimate sons. All are ordained by the Abima Markos, for in all the kingdoms of Ethiopia there is no other bishop or person who ordains. The orders are given in two stages, as I will relate further on. I with my own eyes saw them given many times. In all this country the churchyards are inclosed by very strong walls, that the wild beasts may not disinter the dead bodies. They show them great reverence, no man riding on a mule passes before a church, even though he is going in a great hurry, without dismounting, until he has passed the church and churchyard a good bit.

[1] *Foy desordenado e feito leigo*; not a correct expression.